

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. _____

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Cohen's Fashion Optical
113 Westfarms Mall
Farmington, CT 06032

Petition No. 940111-57-001

CONSENT ORDER

WHEREAS, Cohen's Fashion Optical of Farmington, CT (hereinafter "respondent") has been issued optical shop permit number 1472 to operate an optical shop by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 381 of the Connecticut General Statutes, as amended; and,

WHEREAS, respondent admits that:

1. On one or more occasions in December 1993, respondent was open to the public without a licensed optician on the premises.
2. In January 1994, respondent was operating without a licensed optician of record as required by §20-141-18 of the Regulations of Connecticut State Agencies.
3. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-154.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Board of Examiners for Opticians (hereinafter "the Board") this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-9, 19a-14, and 20-154 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-17 and 20-154 of the Connecticut General Statutes, as amended, respondent hereby stipulates and agrees to the following:

1. That respondent waives its right to a hearing on the merits of this matter.
2. That respondent shall pay a civil penalty of one thousand five hundred (\$1,500) dollars by certified or cashier's check payable to "Treasurer, State of Connecticut."

Said civil penalty shall be payable at the time respondent submits the executed Consent Order to the Department.

3. That respondent's optical shop permit number 1472 is hereby placed on probation for a period of one (1) year. During the period of probation, on a monthly basis, the manager and the licensed optician, if s/he is not the manager, shall certify the hours the shop was open to the public and the name, license number and time periods each licensed optician worked at the shop.
4. That all correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Public Health Hearing Office
Department of Public Health
150 Washington Street
Hartford, CT 06106

5. That all monthly reports required by the terms of this Consent Order shall be due on the tenth business day of each month beginning with the report due on April 15, 1996.
6. That respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
7. That respondent understands that this Consent Order is a matter of public record.
8. That any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - (a) The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided

that no prior written consent for deviation from said term(s) has been granted.

- (b) Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
- (c) Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8(a) above to demonstrate to the satisfaction of the Department that respondent has complied with the terms of this Consent Order or, in the alternative, that respondent has cured the violation in question.
- (d) If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, respondent shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
- (e) Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.

9. That in the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from operating an optical shop, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's optical shop permit. In any such summary action, respondent stipulates that its failure to cooperate with the Department's investigation shall constitute an admission that its conduct constitutes a clear and immediate

danger as require pursuant to Connecticut General Statutes §§4-182(c) and 19a-17(c).

10. That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
11. That legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Medical Quality Assurance of the Department.
12. That this Consent Order is effective on the first day of the month immediately following the date said order is accepted and ordered by the Board.
13. That respondent understands this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Board in which
 - (1) respondent's compliance with this Consent Order is at issue, or
 - (2) respondent's compliance with §20-154 of the General Statutes of Connecticut, as amended, is at issue.
14. That any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.
16. That this Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the the Department at any time prior to its being executed by the last signatory.

17. That respondent permits a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this Consent Order and the factual basis for this Consent Order to the Board.
Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
18. That respondent understands and agrees that it is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which the manager is away from his/her residence.
19. That respondent has the right to consult with an attorney prior to signing this document.

*

*

*

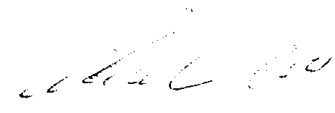
*

*

*


I, Alan Cohen, Chief Operating Officer and duly appointed office of Cohen Fashion Optical, Inc., Roselyn, New York, the owner of Cohen Fashion Optical, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be the free act and deed of Cohen Fashion Optical, Inc.

Cohen Fashion Optical, Inc.

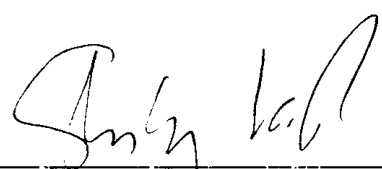
By: 
Alan Cohen, Chief Operating Officer

Subscribed and sworn to before me this 20th day of December 1995.

LINDA P. DIAZ
NOTARY PUBLIC, State of New York
No. 4970052
Qualified in Nassau County
Commission Expires July 30, 1996


Notary Public or person authorized
by law to administer an oath or
affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 9th day of January 199⁶, it is hereby accepted.


Stanley K. Peck, Director
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Board of Examiners for Opticians on the 14th day of March 1995, it is hereby ordered and accepted.


Board of Examiners for Opticians



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

April 21, 1997

Cohen's Fashion Optical
113 Westfarms Mall
Farmington, Connecticut 06032

Re: Consent Order
Petition No. 940111-57-001
License No. 001472

To Whom It May Concern:

Please accept this letter as notice that Cohen's Fashion Optical has completed the terms of its license probation, effective April 1, 1997.

Notice shall be sent to our License and Registration section to remove all restrictions from Cohen's Fashion Optical's license related to the above-referenced Consent Order.

Very truly yours,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton
Nurse Consultant
Legal Office

cc: Attorney Arlene Flohr
Debra Tomassone



Phone: (860) 509-7651

Telephone Device for the Deaf (860) 509-7191

410 Capitol Avenue - MS # 1266

P.O. Box 340308 Hartford, CT 06134

An Equal Opportunity Employer